

Notice of Allowability	Application No.	Applicant(s)	
	10/004,193	GAITHER ET AL.	
	Examiner	Art Unit	
	Christian P. Chace	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10 June 2004.
2. ☒ The allowed claim(s) is/are 6-9 and 11-13.
3. ☒ The drawings filed on 13 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

This Office action has been issued in response to amendment filed 10 June 2004. Claims 6-9 and 11-13 are pending. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment, and they are persuasive. Accordingly, claims 6-9 and 11-13 are allowed, and hereby renumbered 1-7, respectfully.

Allowable Subject Matter

Claims 6-9 and 11-13 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to independent claim 6, now renumbered 1, the claim was objected to in the prior Office action as being dependent upon a rejected base claim. Examiner also indicated that it would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant did not include any of the limitations of the base claim. However, the cited prior art of record does not teach or suggest incrementing a counter when an entry in the cache memory transitions to a modified state, decrementing the counter when a modified entry is evicted from the cache memory, or evicting at least one modified entry from the cache memory when a count in the counter exceeds a predetermined threshold.

With respect to independent claim 7, now renumbered 2, determining the number of dirty entries in the first cache memory that have transferred from another cache hierarchy or evicting from the first cache memory, at least one dirty entry that has

transferred from another cache hierarchy, when the number of dirty entries that have transferred from another cache hierarchy exceeds a predetermined threshold are not taught or suggested by the cited prior art of record. Claim 8, now renumbered 3, depends upon claim 7 now renumbered 2, and is allowable for at least the reasons set forth supra with respect to same.

With respect to independent claim 9, now renumbered 4, marking entries [in a cache] that have transferred from another cache hierarchy or evicting from the first cache memory, a dirty entry that has transferred from another cache hierarchy, when the number of dirty entries in the first cache memory exceeds a predetermined threshold, are not taught or suggested by the cited prior art of record.

With respect to independent claim 11, now renumbered 5, applicants arguments submitted in the instant amendment are persuasive. Claim 12, now renumbered 6, depends upon claim 11 and is allowable for at least the reasons set forth supra with respect to same.

With respect to independent claim 13, now renumbered 7, a counter, where a count in the counter indicates a total number of modified lines in the lowest level of the hierarchy is not taught or suggested by the cited prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian P. Chace whose telephone number is 703.306.5903. The examiner can normally be reached on 9-4-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703.308.1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian P. Chace
DS/cpc



DONALD SPARKS
SUPERVISORY PATENT EXAMINER

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